

91st Illinois General Assembly Senate Transcript

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

18th Legislative Day

March 10, 1999

PRESIDENT PHILIP:

The regular Session of the 91st General Assembly will please come to order. Will the Members please be at their desks? Will our guests in the galleries please rise? Our prayer today will be given by Father John Burnett, Blessed Sacrament Catholic Church, Springfield, Illinois. Father Burnett.

FATHER JOHN BURNETT:

(Prayer by Father John Burnett)

PRESIDENT PHILIP:

Please remain standing for the Pledge of Allegiance. Senator Sieben.

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben)

PRESIDENT PHILIP:

Reading of the Journal.

SECRETARY HARRY:

Senate Journal of Thursday, March 4th, 1999.

PRESIDENT PHILIP:

Senator Myers.

SENATOR MYERS:

Mr. President, I move that the Journal just read by the Secretary be approved, unless some Senator has additions or corrections to offer.

PRESIDENT PHILIP:

Senator Myers moves to approved the Journal just read. There being no objection, so ordered. Senator Myers.

SENATOR MYERS:

Mr. President, I move that reading and approval of the Journal of Tuesday, March 9th, in the year 1999, be postponed, pending arrival of the printed Journal.

PRESIDENT PHILIP:

Senator Myers moves to postpone the reading and the approval

1

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

18th Legislative Day

March 10, 1999

of the Journal, pending the arrival of the printed transcript. There being no objection, so ordered. Committee Reports.

SECRETARY HARRY:

Senator Sieben, Chair of the Committee on Agriculture and Conservation, reports Senate Bills 1068 and 1074 Do Pass, as Amended.

Senator Hawkinson, Chair of the Committee on Judiciary, reports Senate Bills 732, 847, 1044, 1112 and 1121 Do Pass; and

Senate Bills 7, 19, 94, 121, 178, 188, 234, 400, 644, 673, 675, 756, 757, 784, 845 and 1132 Do Pass, as Amended.

Senator Madigan, Chair of the Committee on Insurance and Pensions, reports Senate Bills 418, 419, 420, 579, 721, 825, 851, 854, 855 and 856 Do Pass.

Senator Fawell, Chair of the Committee on Transportation, reports Senate Bills 1086, 1129 and 1153 Do Pass; Senate Bills 578 and 1201 Do Pass, as Amended; and Senate Resolution 40 Be Adopted.

And Senator Mahar, Chair of the Committee on Environment and Energy, reports Senate Bills 306, 411, 496, 910 and 1078 Do Pass; and Senate Bills 384, 385 and 1076 Do Pass, as Amended.

PRESIDING OFFICER: (SENATOR MAITLAND)

Messages.

SECRETARY HARRY:

Message for the Governor by Charles Woodward, Director of Legislative Affairs, March 9th, 1999.

Mr. President - The Governor directs me to lay before the Senate the following Message:

To the Honorable Members of the Senate, 91st General Assembly - I have nominated and appointed the following named person to the office enumerated below and respectfully ask concurrence in and confirmation of this appointment of your Honorable Body.

PRESIDING OFFICER: (SENATOR MAITLAND)

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

18th Legislative Day

March 10, 1999

Senator Myers, for what purpose do you arise?

SENATOR MYERS:

Mr. President, a point of personal privilege.

PRESIDING OFFICER: (SENATOR MAITLAND)

Please state your point.

SENATOR MYERS:

We have with us today the Mary -- in the President's Gallery, the Mary Miller Jr. High 8th Grade Basketball Team, who won first -- first -- or, fourth place in the State Class AA basketball tournament, and their cheerleaders. And with them are Kevin Tate, the Superintendent of Georgetown-Ridge Farm; Jack Hardy, the Principal; Greg Edwards, a teacher; Jessika Jenkins, a teacher and Cheerleader Sponsor; Dwayne Grider, the Coach; and Randy Mariage, the Assistant Coach.

PRESIDING OFFICER: (SENATOR MAITLAND)

Would our guests in the gallery please rise? Welcome to Springfield. Congratulations. Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bills 329, 404, 424, 448, 449, 518, 536, 541,

567 and 607.

A like Message on House Bills 17, 32, 38, 42, 76, 129, 230, 235, 236 and 252.

And a like Message on House Bills 668, 731 and 1509.

All passed the House, March 9th, 1999.

We have a like Message on House Bills 67, 264, 525, 669, 1111, 1138, 1845, 2218, 2351 and 2617.

All passed the House, March 10th, 1999.

3

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

18th Legislative Day

March 10, 1999

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Clayborne, for what purpose do you arise, sir?

SENATOR CLAYBORNE:

Mr. President, I have a point of personal privilege.

PRESIDING OFFICER: (SENATOR MAITLAND)

Please state your point.

SENATOR CLAYBORNE:

Behind me I have the -- Dr. Nathaniel Anderson, Superintendent of Schools in the City of East St. Louis. And I'd like the Senate to welcome him.

PRESIDING OFFICER: (SENATOR MAITLAND)

Doctor, welcome to Springfield. Introduction of Bills.

SECRETARY HARRY:

Senate Bill 1223, offered by Senator del Valle.

(Secretary reads title of bill)

And Senate Bill 1224, by Senator Shaw.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR MAITLAND)

House Bills 1st Reading.

SECRETARY HARRY:

House Bill 448, offered by Senator Geo-Karis.

(Secretary reads title of bill)

And House Bill 536, by Senator Peterson.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR MAITLAND)

Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to the Committee on Agriculture and Conservation - Senate Bill 1189; to

the Committee on Executive - Senate Bills 1200, 1216, 1217 and 1218; to the Committee on Insurance and Pensions - Senate Bill 1219; to the Committee on Local Government - Senate Bill 1202; to the Committee on State Government Operations - Senate Bill 1191; and to the Committee on Transportation - Senate Bill 1186.

PRESIDING OFFICER: (SENATOR MAITLAND)

Ladies and Gentlemen, if I could have your attention, please. We are going to the Order of Senate Bills 2nd Reading. Top of page 2. Senator O'Malley. Senator Syverson. Senator Petka. Senator Parker. Senator O'Malley. In that order. House {sic} Bills 2nd Reading. Senate Bill 6. Senator O'Malley. Senator O'Malley on the Floor? Senate Bill 13. Senator Syverson. Senate Bill 26. Senator Petka. Senate Bill 29. Senator Parker. Senate Bill 31. Senator Sieben. Senate Bill 32. Senator O'Malley. Senate Bill 44. Senator Lauzen. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 44.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 71. Senator Sieben. Senate Bill 82. Senator del Valle. Senate Bill 84. Senator Geo-Karis. Senate Bill 85. Senator Klemm. Senate Bill 110. Senator Clayborne. Senate Bill -- Senate Bill 171. Senator Klemm. Senate Bill 185. Senator Syverson. Top of page 3. Senate Bill 204. Senator Rauschenberger. Senate Bill 206. Senator Radogno. Senate Bill 217. Senator Syverson. Senate Bill 223. Senator Halvorson. Senate Bill 235. Senator Dudycz. Senate Bill 252. Senator Lauzen. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 252.

(Secretary reads title of bill)

5

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

18th Legislative Day

March 10, 1999

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 268. Senator Parker. 268. Senator Parker. Senate Bill 276. Senator Cronin. Senate Bill 283. Senator Tom Walsh. Senate Bill 286. Senator DeLeo. Senate Bill 287. Senator Syverson. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 287.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 290. Senator Lauzen. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 290.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 323. Senator Parker. Senate Bill 353. Senator Sieben. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 353.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senator -- Senate Bill 363. Senator Tom Walsh. Bottom of page 3. Senate Bill 387. Senator Rauschenberger. Top of page 4. Senate Bill 415. Senator Lauzen. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 415.

(Secretary reads title of bill)

6

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

18th Legislative Day

March 10, 1999

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 421. Senator Tom Walsh. Senate Bill 430. Senator Bomke. Senate Bill 441. Senator Cronin. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 441.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 451. Senator Berman. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 451.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 458. Senator Syverson. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 458.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Public Health and Welfare adopted one amendment.

PRESIDING OFFICER: (SENATOR MAITLAND)

Have there been any Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 473. Senator Donahue. Senate Bill 498. Senator Rauschenberger. Senate Bill 536. Senator

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

18th Legislative Day

March 10, 1999

Geo-Karis. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 536.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Local Government adopted one amendment.

PRESIDING OFFICER: (SENATOR MAITLAND)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 537. Senator Geo-Karis. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 537.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Local Government adopted one amendment.

PRESIDING OFFICER: (SENATOR MAITLAND)

Have there been any Floor amendments approved for

consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 541. Senator Dillard. Senate Bill 544. Senator Syverson. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 544.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Public Health and Welfare adopted one amendment.

8

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

18th Legislative Day

March 10, 1999

PRESIDING OFFICER: (SENATOR MAITLAND)

Have there been any Floor amendments approved for consideration, Mr....

SECRETARY HARRY:

No -- no further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. WCIA-Channel 3 requests permission to film. Is leave granted? Leave is granted. Senate Bill 547. Senator Lauzen. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 547.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 549. Senator Trotter. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 549.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Education adopted one amendment.

PRESIDING OFFICER: (SENATOR MAITLAND)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 563. Senator Radogno. Senator Radogno? Bottom of page 4. Senate Bill 565. Senator Obama. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 565.

SENATE TRANSCRIPT

18th Legislative Day

March 10, 1999

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Ladies and Gentlemen, please. I know you're going to visit, but visit in a soft tone. I can't even hear the Secretary up here. So please -- please give respect to the Members. Top of -- page 5. Top of page 5. Senate Bill 566. Senator Halvorson. All right. Senate Bill 574. Senator Hawkinson. Senate Bill 646. Senator Watson. Senator Watson? Senate Bill 658. Senator Peterson. Senate Bill 667. Senator Cronin. Senate Bill 672. All right. Read the bill, Mr. Secretary. Senate Bill 667.

SECRETARY HARRY:

Senate Bill 667.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 672. Senator Radogno. All right. Senate Bill 747. Senator -- oh, I'm sorry. Senate Bill 753. Senator Radogno. Senate Bill 762. Senator Parker. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 762.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 804. Senator Parker. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 804.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Local Government

10

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

18th Legislative Day

March 10, 1999

adopted one amendment.

PRESIDING OFFICER: (SENATOR MAITLAND)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 815. Senator Tom Walsh. Senator Tom Walsh. Senate Bill 820. Senator Watson. Senate Bill 844. Senator Trotter. Senator Trotter. Senate Bill 850. Senator Sullivan. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 850.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Public Health and Welfare adopted one amendment.

PRESIDING OFFICER: (SENATOR MAITLAND)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 868. Senator Dudycz. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 868.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Local Government adopted one amendment.

PRESIDING OFFICER: (SENATOR MAITLAND)

Have there been any Floor amendments approved for consideration?

11

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

18th Legislative Day

March 10, 1999

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 879. Senator Lauzen. Read the bill,
Mr. Secretary.

SECRETARY HARRY:

Senate Bill 879.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Senate Bill 881. Senator Burzynski. Senate
Bill 890. Senator Dillard.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senate Bill 939. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 939.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading.

PRESIDING OFFICER: (SENATOR MAITLAND)

Ladies and Gentlemen, let me have your attention, please. It
is the intent to go to Senate Bills 3rd Reading. We're going to
begin where we left -- it is the intent to go to 3rd Reading.
We're going to begin today where we left off yesterday at Senate
Bill 122. It will be Senator Burzynski, Burzynski, Burzynski,
Burzynski, Fawell, Rauschenberger, Cullerton, Radogno. In that
order. All right. Ladies and Gentlemen, the middle of page 6.
Senate Bills 3rd Reading. Senate Bill 122. Senator Burzynski.
123? Is it -- is it -- it is your intent not to call any of your

bills, Senator Burzynski? All right. Thank you very much.
Senate Bill 164. Senator Fawell. Senator Fawell. Top of page 7.

12

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

18th Legislative Day

March 10, 1999

Senate Bill 203. Senator Rauschenberger. Read the bill, Mr.
Secretary.

SECRETARY HARRY:

Senate Bill 203.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate.
The intent of Senate Bill 203 is to send a clear message that
municipalities may not, by ordinance -- or local governments may
not, by ordinance or rule, prevent the use of -- of motorcycles or
any other class of motor vehicles permitted under the State
Statutes to be used on any road that's built with either State or
federal funds or maintained by them. I'd appreciate a favorable
roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Molaro.

SENATOR MOLARO:

Yes. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Molaro.

SENATOR MOLARO:

Is this -- this is just a -- about motorcycles that you have a problem with?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Well, yes and no. Essentially, the question is, if we use State and federal funds to construct roadways, whether municipal governments ought to be restricting their use. But the people

13

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

18th Legislative Day

March 10, 1999

that bring this bill forward are the -- the ABATE people, who are very frustrated, I guess, by some intermperate action that is -- has occurred in the Chicago City Council regarding banning motorcycles from parts of the City of Chicago.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Molaro.

SENATOR MOLARO:

First of all, I -- I don't know how many votes this would take, because -- does it preempt home rule? I don't know if it's thirty or thirty-six votes. Second thing would be that this also -- is it to come -- are we -- because you started out by saying you're sending a message. I don't see a big problem with the bill, but when you say you're sending a message, this also to do with like city boulevards? If the City comes out and says, we don't want, you know, say, trucks that have a B plate or flatbed trucks and we would like to restrict 'em on city boulevards, would you also have a problem with that?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Senator Molaro. I think, first of all, the Chair would love a question about whether this takes thirty or thirty-six votes, because it's been the subject, I think, of much extensive research. And second of all, no, the intent in this bill is not to restrict a municipality's right to designate truck routes or to control the use of -- of truck plates on bridges or on boulevards based on safety.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Molaro.

SENATOR MOLARO:

One last -- one last question then. So, it would have to be based on safety or business. So in other words, as we all know,

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

18th Legislative Day

March 10, 1999

we're -- I think we're talking about Lake Shore Drive here. Okay. Certain parts of Lake Shore Drive. So the -- the aldermen in that area got a little -- the -- the residents have there -- that have a little upset with the fact that whether they be trucks with RV plates or trucks with B plates or motorcycles, which invariably may be louder or that type of thing. I know they could certainly say, let's ticket them if they're loud, 'cause they're certainly on the books. But what they're saying is, in certain areas around Lake Shore Drive near the beaches where you're trying to get quiet enjoyment, we certainly don't -- apparently the aldermen didn't want to have it where we put in twenty police officers with twenty squad cars to enforce this. They thought this may be a little easier. And I just want to make sure that the message that you're sending -- that's the only reason I rose, is because you're sending a message. So I want to make sure we're clear on the message that if a city wants to make it more beautiful or -- or this -- the esthetics of it, that they have no right to do that. That it's only a business reason and we, in the General Assembly, are now going to go in and we're going to micromanage and we will determine whether or not the City or any village has the right to determine what type of vehicles, what time they would like certain vehicles on certain areas. And I just want to make sure that that's the message that you're sending.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. This -- this bill was heard in the Transportation Committee and I think it may help for all of us to know that the federal law right now says that you cannot prohibit motorcycles on any road that is built partly with federal funds. There is a congressman in Washington, who I understand, frankly, is -- would serve on the other side of the aisle, who loves

15

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

18th Legislative Day

March 10, 1999

motorcycles. He got this law passed. And the problem is that, for some reason or other, certain cities in this State don't seem to want to read the federal law, and so we are just codifying, in effect, what the federal law says in our State laws.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? Senator Cullerton.

SENATOR CULLERTON:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Cullerton.

SENATOR CULLERTON:

Senator Rauschenberger, I believe that there's a City of Chicago ordinance that you said -- I don't know if you said it, but there's a City of Chicago ordinance that -- that was passed, or is proposed to be passed, and this bill is in response to that. Could you tell me what that City of Chicago ordinance does? Do you know?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

No, Senator Cullerton. I'm not in a position to tell you exactly what the City ordinance did. My understanding was that there were some aldermen who were trying specifically to ban the use of motorcycles on particular parts of the street infrastructure in Chicago. But that's just my understanding of it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cullerton.

SENATOR CULLERTON:

Well, if you don't know what it is that the City of Chicago is about to propose, why are we passing a bill that says they can't enforce it, if you don't even know what it is that they have

either passed or are proposing to pass? I -- I don't understand. If you could just start over again. Maybe I didn't hear it the first time. Why are we doing this? What -- what is your purpose of this bill? I -- I don't -- you're trying to -- apparently you're trying to preempt home rule, stop the City of Chicago from passing an ordinance that you don't know what it does. So maybe you could start from the beginning and explain to me what we're -- what we need this for.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Well, thank you, Senator Cullerton, for giving me the opportunity to clarify what I was trying to say. And I'll try once more. Essentially, what this bill does is makes it clear that municipalities and local governments don't have the right to restrict classes of vehicles on -- on roadways that are paid for with State or with federal funds. There's already a federal statute that lays over this that says you can't prohibit the use of motorcycles on roads constructed with federal funds. No one is disputing the City's right to regulate noisy motorcycles, or -- or drunk drivers, or people who inappropriately use the roadways. We're saying they cannot by class of vehicle make decisions on who has the right to use parts of the street infrastructure. We all pay for that. It's paid for statewide, for the most part, with a lot of federal dollars, and I just don't think it's part of the domain of an alderman to decide what class or what -- what kind of users can use the streets in their neighborhoods.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cullerton.

SENATOR CULLERTON:

Senator Rauschenberger, Lake Shore Drive is in my district. There -- it's a State highway. You cannot have certain types of

17

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

18th Legislative Day

March 10, 1999

trucks on that Lake Shore Drive. We -- I don't know -- I don't know if it's a State law or a city ordinance, but you cannot have big, you know, Class B trucks or -- or -- or greater on Lake Shore Drive. Does this -- that seems to fly in the face of what you just said, that we don't want -- we don't want to pass a bill that restricts certain vehicles from being on certain roadways. Would this law affect the current status of Lake Shore Drive not having to have these big heavy trucks on it?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

No. It doesn't affect -- doesn't affect their ability to regulate trucks or to -- to regulate the use of motorcycles that are noisy or regulate the use of people who are speeding or any other of their regulatory authority. What it does say is they

can't select a class of vehicles and say people aren't entitled to use the road.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

So, apparently then, this bill only applies to motorcycles and it's -- it's meant to say that -- that, in the City of Chicago, if there's particular complaints by residents about the use of motorcycles, that we, in the State, are going to go back to that City council and say, "I'm sorry, you're not allowed to -- to pass such a law." And it only applies to -- to motorcycles. We're, in effect, singling out motorcycles with this Statute and telling the City council that they can't respond to their local constituents' criticisms. And -- and that won't be a question. That'll just be a characterization, as I see it, of what the bill does. And for that reason, I don't think it's a good idea to pass the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

18

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

18th Legislative Day

March 10, 1999

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Thank -- thank you, Mr. President. Well, I think it is a good

idea. I -- you know, what we have here, we have a group of aldermen, a half a dozen alderman from the east end of the City, who are trying to preserve the community of Lake Shore Drive so that the people who live along Lake Shore Drive can live peacefully without the motorcycle noise. What I find objectionable it's -- I don't think it's the City initiative; I think it's an initiative of about a half a dozen aldermen. If they want to make it peaceful for all of the residents in Chicago, I could -- I could understand that. The -- the Kennedy Expressway goes through my district and we have trucks and motorcycles that go there and drive through and make just as much noise as they do for the Lake Shore Drive community, but I think that the aldermen are trying to make it -- traffic only of motor vehicles, not trucks. And I believe it's a City road - the Lake Shore Drive is under the City control, because the Chicago Police patrol it, not the State Police. And it's an ordinance that prohibits trucks from driving on Lake Shore Drive. Now they're going to try to prohibit motorcycles so that people along Lake Shore Drive there can sleep in peace at night and don't have to be bothered by it. But those of us who live on the west side of Chicago or the northwest side of Chicago believe that we deserve the same peace and quiet that the other communities along Lake Shore Drive do. So if you're going to make it equal for all residents of the City of Chicago, why don't you just ban motorcycles from the entire City? Otherwise, why are you making it specific to Lake Shore Drive? I think this is a good bill that Senator Rauschenberger is sponsoring and I would hope that everybody supports it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? If not, Senator Rauschenberger,

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

18th Legislative Day

March 10, 1999

to close.

SENATOR RAUSCHENBERGER:

Just real -- two or three quick points of quick clarification. This -- this does not restrict a municipality's ability to keep their streets quiet. They -- they are allowed to enforce their noise ordinances. They can do whatever they want about motorcycles that violate and don't have mufflers. They -- they can do whatever they want about noisy vehicles. They can do whatever they want about trucks. But they're not allowed, in a ward or two, or in an area or two, to go in and -- and not permit people to use legal licensed vehicles. I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. The question is, shall Senate Bill 203 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 46 Ayes, 9 Nays, 2 Members voting Present. Senate Bill 203, having received the required constitutional majority, is declared passed. Senator Karpel, for what purpose do you arise?

SENATOR KARPIEL:

Thank you, Mr. President. To announce a Republican Caucus immediately in Senator Philip's office. A Republican Caucus immediately.

PRESIDING OFFICER: (SENATOR MAITLAND)

That request is in order. The -- the committees -- we do have committees. It's my understanding, Senator Karpriel, the -- the caucus will last no longer than fifteen or twenty minutes in all probability. Therefore, committees will probably start about 1:30, I would suspect, or immediately after the adjournment of the caucus. Is there any further business to come before the Senate? Committee Reports.

20

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

18th Legislative Day

March 10, 1999

ACTING SECRETARY HAWKER:

Senator -- Senator Cronin, Chairperson of the Committee on Education, reports Senate Bills numbered 475 and 823 Do Pass; and Senate Bills numbered 282, 527, 529, 840 and 1060 {sic} Do Pass, as Amended.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there any further business to come before the Senate? The Senate will convene on Thursday, March 11th, at 11:30 a.m.

Senator Geo-Karis moves the Senate stand adjourned.